

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

BRIAN SCOTT PATE

Plaintiff(s)/Petitioner(s)

vs.

CIVIL ACTION NO. 1:06 CV 500-T
(To be supplied by Clerk of Court)

STATE OF ALABAMA

Defendant(s)/Respondent(s)

MOTION TO PROCEED WITHOUT PREPAYMENT OF FEES

I, BRIAN SCOTT PATE, a United States citizen, make this Motion to Proceed Without Prepayment of Fees pursuant to Title 28 U.S.C. § 1915 in order to proceed in forma pauperis in this action. I am unable to make prepayment of fees or to give security therefor, and it is my belief that I am entitled to redress. I have not divested myself of any property, monies or any items of value for the purpose of avoiding payment of said fees.

I. BRIEF STATEMENT AS TO THE NATURE OF THE ACTION: PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY. PETITIONER WAS ADJUDICATED GUILTY AND SENTENCED ON A VOID AND INVALID INDICTMENT PRESENTED BY A GRAND JURY, AND PETITIONER RECEIVED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

II. RESIDENCE:

Your address: P.O. BOX 150

MT. MEIGS

(City)

(Street)

ALABAMA

(State)

36057

(Zip Code)

III. MARITAL STATUS:

1. Single X Married _____ Separated _____ Divorced _____
2. If married, spouse's full name: _____

IV. DEPENDENTS:

1. Number: 0
2. Relationship to dependent(s): _____
3. How much money do you contribute toward your dependents' support on a monthly basis? \$ _____

V. EMPLOYMENT:

1. Name of employer: NONE
 - a. Address of employer: _____

(Street)

(City)

(State)

(Zip Code)
 - b. How long have you been employed by present employer?
Years: _____ Months: _____
 - c. Income: Monthly \$ _____ or Weekly \$ _____
 - d. What is your job title? _____
2. If unemployed, date of last employment: _____
Amount of salary and wages received per month in last employment: \$ _____
3. Is spouse employed? _____ If so, name of employer: _____
 - a. Income: Monthly \$ _____ or Weekly \$ _____
 - b. What is spouse's job title? _____
4. Are you and/or your spouse receiving welfare aid? NO
If so, amount: Monthly \$ _____ or Weekly \$ _____

VI. FINANCIAL STATUS

1. Owner of real property (excluding ordinary household furnishings and clothing):
 - a. Description: NONE
 - b. Full Address: _____
 - c. In whose name: _____
 - d. Estimated value - - - - - \$ 0
 - e. Total amount owed - - - - - \$ 0
Owed to: _____ \$ 0
_____ \$ 0
_____ \$ 0
 - f. Annual income from property - - - - - \$ 0
2. Other assets/property, such as automobiles, boats, motor homes, court judgments, etc. (If more than two, list information on back):
 - a.

	Asset (1)	Asset (2)
Make & Model:	<u>NONE</u>	<u>NONE</u>
In whose name registered?	_____	_____
Present Value of Asset:	_____	_____
Amount owed:	_____	_____
Owed to:	_____	_____
 - b. Total cash in banks, savings and loan associations, prisoner accounts, financial institutions, other repositories, or anywhere else - \$ _____

c. List monies received by you during the last twelve (12) months, or held for you by banks, savings and loan associations, prisoner accounts, other financial institutions, or other sources as indicated below:

Business, profession or other forms of self-employment - \$ 0
 Rent payments, interest or dividends ----- \$ 0
 Pensions, annuities or life insurance payments ----- \$ 0
 Gifts or inheritances ----- \$ 0
 Stocks, bonds or notes ----- \$ 0
 Tax refunds, Veteran benefits or social security benefits \$ 0
 Any other sources ----- \$ \$745.00

3. Obligations:

a. Monthly rental on house or apartment ----- \$ 0
 b. Monthly mortgage payments on house ----- \$ 0

4. Other information pertinent to your financial debts and obligations:

<u>N/A</u> (Creditor)	(Total debt)	(Monthly payment)
<u>N/A</u> (Creditor)	(Total debt)	(Monthly payment)
<u>N/A</u> (Creditor)	(Total debt)	(Monthly payment)
Other (Explain): _____		

VII. ALL PLAINTIFFS/PETITIONERS MUST READ AND SIGN:

I UNDERSTAND that any false statement(s) of a material fact contained herein may serve as the basis of prosecution and conviction for perjury or making false statements. FURTHER, I CERTIFY that all questions contained herein have been answered and are true and correct to the best of my knowledge and belief.

1-30-06
Date

Brian Scott Pato
Signature of Plaintiff/Petitioner
Kilby Corr. Facility
AIS # 229345/KFD-3
 Address
P.O. Box 150
Mt. Meigs, Al. 36057

VIII. FOR PRISONER PLAINTIFFS/PETITIONERS ONLY:

A financial statement containing all transactions in your prisoner account for the six (6) months immediately preceding the filing of the Complaint must accompany this Motion. The financial statement must be in the form of a computer printout or bank ledger card prepared by the institution; a notarized financial statement that you prepare; or a financial statement prepared by an authorized officer of the institution. Failure to provide this financial statement information may result in the dismissal of this action.

The requirement to submit the financial statement addressed above does not negate your responsibility to ensure that the Certificate found below is also properly executed and filed.

I hereby authorize the agency having custody of me to collect from my prison account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. § 1915(b)(2). I understand that even if I am allowed to proceed in forma pauperis or pay a partial filing fee and even if my case is later dismissed for any reason, I am obligated to pay to the Clerk of the Court the full amount of the filing fee (\$120.00 for a civil action, \$5.00 for a habeas corpus petition, or \$105.00 for an appeal).

1-30-06

DATE

Brian Scott Pato

SIGNATURE OF PLAINTIFF/PETITIONER

CERTIFICATE

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 37.37 on account to his/her credit at Kilby Correctional Facility (name of institution). I further certify that during the past six months the applicant's average monthly balance was \$ _____. I further certify that during the past six months the average of monthly deposits to the applicant's account was \$ _____. (Please attach a certified copy of the applicant's account statement showing transactions for the past six months.)

30 January 2006

DATE

Antonio J. Terry

SIGNATURE OF AUTHORIZED OFFICER

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
KILBY CORRECTIONAL FACILITY

AIS #: 229345

NAME: PATE, BRIAN S.

AS OF: 01/30/2006

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
JAN	1	\$0.64	\$0.00
FEB	28	\$11.18	\$42.00
MAR	31	\$8.57	\$46.00
APR	30	\$6.00	\$40.00
MAY	31	\$7.65	\$98.00
JUN	30	\$10.10	\$0.00
JUL	31	\$27.39	\$84.00
AUG	31	\$40.53	\$151.50
SEP	30	\$36.26	\$0.00
OCT	31	\$24.62	\$69.00
NOV	30	\$37.48	\$60.00
DEC	31	\$32.81	\$89.00
JAN	30	\$58.13	\$66.00

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Bcc: Message-Id:<485250@alsd.uscourts.gov>Subject:Activity in Case 1:06-cv-00075-KD-C Pate v.
McDonnell et al "Motion for Leave to Proceed in forma pauperis" Content-Type: text/html

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Case Number: 1:06-cv-75
Filer: Brian Scott Pate
Document Number: 2

Docket Text:

MOTION for Leave to Proceed in forma pauperis by Brian Scott Pate. Referred to Judge Cassady(cmj,)

The following document(s) are associated with this transaction:

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27237ad86899b2f168eb6ec70d0892d94b5f4a9a0f4dc005c53f0188f2f1]]

1:06-cv-75 Notice will be electronically mailed to:

1:06-cv-75 Notice will be delivered by other means to:

Brian Scott Pate
#229345
P.O. Box 150
Mt. Miegs, AL 36057